



DATE:	November , 2014
APPROVED BY:	Russell D. Schaedlich

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

October 28, 2014

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Zondag called the meeting to order at 5:31 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Flenner (alt. for Siegel), Martin (alt. for Troy), Morse, Schaedlich, Welch (alt. for Aufuldish), Zondag, and Mmes. Hausch, and Pesec. Legal Counsel present: Assistant Prosecutor Gianine (Nina) Germano. Planning and Community Development Staff present: Mr. Radachy and Ms. Myers.

MINUTES

Ms. Hausch moved and Mr. Welch seconded the motion to approve the September 30, 2014 minutes as submitted.

All voted "Aye".

FINANCIAL REPORT

Mr. Radachy informed the members that the office had been moving money around between accounts to be able to pay invoices. The office has been paying for three ESRI (GIS vendor) licenses for Mr. Jason Boyd, an intern and the Director. The license for Mr. Boyd will no longer be needed and the budget has been reduced to only two licenses. The Director's APA National dues will need to be paid.

Mr. Morse moved and Mr. Adams seconded the motion to accept the September 2014 Financial Report as submitted.

All voted "Aye".

PUBLIC COMMENT

There was no comment from the public.

LEGAL REPORT

Ms. Gianine Germano, Asst. Prosecutor, stated the members had inquired about a status update on Kimball Estates at the last meeting. She had inquired and been told by both Mr. Michael DeLeone and Mr. Joshua Horacek that they had actually advised the Commission in the past that the Kimball Estates Subdivision at this time was not within their jurisdiction. She informed the Commission that this situation was still being pursued by the Prosecutor's office and other County offices. Requests have been made to the Developer to fix the problem.

Mr. Brotzman said he had spoken to Mr. Jason Boyd, County Administrator, yesterday, who talked to Mr. George Hadden and said the last two phone calls to the Developer by Mr. Hadden had gone unanswered.

Mr. Zondag said this problem reflects on the County because it has been going on for nine or ten years, which is ridiculous. He said we will continue to ask about it. He believed this issue impacted what the Commission does.

Ms. Germano assured the Commission members that this was being handled by the Prosecutor's office but they were not representing the Planning Commission on this and it is not within the Planning Commission's jurisdiction. Mr. Michael DeLeone is the attorney handling this since Mr. Horacek left. She had spoken to him the day after the last Planning Commission meeting and Mr. DeLeone stated that it had been explained in the past that this was not within the jurisdiction of the Commission and that it is being handled. They are trying to get in contact with the Developer to make sure the problem is fixed. She said she understood this body's frustration and knew this was not the information the members wanted to hear. She wished there was something more she could do for them at this juncture, but this is where it is at.

Mr. Adams asked if there was a legal procedure that had been done or if the Developer had been served. He thought the Prosecutor's Office was going to lean on him a couple months ago.

Ms. Germano said she was not handling this. It might very well have happened. She is not the one handling the case and she would have to speak to Mr. DeLeone to find out this information. She knew they have been in contact with the Developer but was not sure how much leaning had happened.

DIRECTORS REPORT

Mr. Radachy reported on the following items:

- The Director congratulated Ms. Hausch and Mr. Siegel for being reappointed to the Planning Commission last August. Ms. Hausch has been on the Commission for 30 years.
- Staff has been helping the Lake County Soil and Water Conservation District with their watershed plan.
- Staff has been assisting the Lake County Health District with interconnecting trails. They had received a grant from NOACA's Transportation for Livable Community Initiative (TLCI). Lake Metroparks and Laketran have also been involved.
- Zoning in Fairport Harbor has been in the news because Knez Properties is proposing to develop new riverfront properties. The Director has been helping them with zoning issues.
- Staff is still assisting Ashtabula County by reviewing requested township zoning amendments.
- Staff will be working on updating the 2007 Painesville Township Comprehensive Plan.
- Joshua Myers has been hired as our new Intern. He is a recent graduate of Bowling Green University. He has a degree in Environmental Policy and will be working with us for the next couple of months. He is a resident of Leroy Township.

ANNOUNCEMENTS

There were two announcements:

- The first public meeting for the Central Lake County Blueway & Greenway Plan, related to the TLCI grant, will be held on November 12, 2014 from 6:30 p.m. to 8:00 p.m. at the Mentor Senior Center.
- A Fair Housing Resource Center's Annual Halloween Costume Gala fundraiser will be held on Saturday, November 1, 2014 from 6:00 p.m. to midnight at the American-Croatian Lodge in Eastlake.

SUBDIVISION REVIEW

Concord Township – Concord Ridge, Phase 2, Resubmitted Final Plat, 13 Lots, 10.827 Acres

Mr. Radachy introduced the Concord Ridge, Phase 2 Subdivision as consisting of 13 sublots and 10.8 acres of land in Concord Township. The Developer is Concord Ridge Development, LLC and the Engineer/Surveyor is Polaris Engineering. It is located between Summerwood, Phase 1 and Stanford Springs Subdivision. There is a stream on the property in the second phase. This Subdivision was originally approved in January, 2014. It was basically resubmitted because of a change of a road name of a portion of Meredith Lane to Lilly Lane. Meredith Lane was originally to wind from Stafford Springs and connect into Crossroads Drive. The new proposed road will dead-end into Lilly Lane. Lilly Lane will become a stub street into unsubdivided property.

The following proposed stipulations and comments were submitted:

Proposed Final Plat Stipulations:

1. The Plat cannot be recorded until the improvements are installed, inspected, accepted and placed into maintenance or a construction surety or bond is in place to guarantee construction of the improvements. *Article V Section 10*
2. All centerline monuments and subplot corners are required to be set prior to recording of the Plat. *Article I Section 4 H and I*
3. The temporary cul-de-sac easement needs to be shown on the Plat for both Crossroads Drive and Lilly Lane. *Article III Section 6(D)(3)(h)*
 - a. Concord Twp. Fire Department will not approve "Stub Streets". Lilly Lane to be developed as a cul-de-sac or hammerhead turnaround. All temporary or permanent cul-de-sacs must be provided with a minimum diameter of 120 feet. *Concord Twp. Fire Dept.*
 - b. Crossroads Drive should be extended to the eastern property line of Sublot 3 prior to construction on this property so that this parcel has an improved frontage across the full width of the lot. *(Comment from Concord Township, accepted by Planning Commission at their January 28, 2014 meeting and resubmitted for this meeting)*
4. Add a temporary drainage easement in the future right-of-way of Crossroads Drive. Provide easement language for the temporary drainage easement on the Plat cover sheet and write the easement to be released upon dedication of the new right-of-way. *Article III Section 6(D)(1)(e)*
5. The local service drainage easement language and the yard drain easement language on the cover sheet are not the approved language from Lake County.
6. Subject to detailed review prior to final approval. *L.C. Engineer*

7. The responsible party for the maintenance of the open space areas shall be identified on the Final Plat. During the Preliminary Plan review (under the zoning amendment process) by the Township, we received written notification that this was being pursued by the Lake County Soil and Water Conservation District. Note on the Plat that designated open space areas shall be prohibited from further subdivision or development, and shall be maintained and preserved in their natural state, as set forth in the Concord Township Zoning Resolution. Clearly mark all open spaces prior to clearing the site. *Trustees*
8. The Restrictive Covenants for Concord Ridge state that buildings shall have a minimum distance of 40 ft. from the street, or as required by Concord Township. The Plat shows a front building setback line of 30 ft. If the 40 ft. setback will be enforced, then this should be reflected on the Plat. *Concord Twp. Bd. of Trustees*
9. The renaming of Meredith Lane to Lilly Lane in Phase II was approved by the Trustees on 10/15/2014 with the stipulation that the road alignment was not part of that approval. *Concord Twp. Bd. of Trustees*

Proposed Final Plat Comments:

1. Staff has two versions of the language for the local service drainage easement. One version is for maintenance of the storm water facility by the homeowners association and one version has the maintenance of the facility by adjacent homeowners. You can modify the LSD Easement language for adjacent homeowners by changing the name and using it for yard drains while keeping the HOA language in place for the detention ponds and other larger facilities. Giving the yard drains to the adjacent property owners may make their lives easier in the future.
2. The yard drainage easement on Sublot 72 only serves Sublot 72. If the homeowner is maintaining the yard drain, the easement maybe redundant. *LC Planning and Community Development*
3. Proposed driveways for Sublot 3 should connect to an existing, dedicated road right-of-way. If the right-of-way of Crossroads is dedicated as proposed, the language on the Plat requiring this may not be needed. *LC Planning and Community Development*
4. The open space for Phase 3 is not being dedicated at this time. There is no reason to have the information for the open space on page three of this Plat. *LCP&CD*
5. The proposed lot sizes and building setbacks conform to the R-2, RCD District Zoning and the proposed lot configurations conform to the approved Township Preliminary Plan for Concord Ridge.
6. Concord Township Fire Department has no problem with the name change from Meredith Lane to Lilly Lane. *Concord Twp. Fire Dept.*
7. Fire hydrants may be spaced no further than 500 feet apart. A fire hydrant is to be placed at the beginning of all streets and at the beginning of all cul-de-sacs. All fire hydrants to be self

draining and equipped with a 5" Stortz fitting on the streamer outlet. Fire flows must meet the ISO minimum requirements for size, type and spacing for structures built. *Concord Twp. Fire Dept.*

8. Street name sign(s) and "No Parking on Hydrant Side of Street" signs shall be provided and installed prior to start of construction of any structure. Street signs to be in accordance with the 2011 Ohio Fire Code Section 505.2 and be double sided. All contractors are to be instructed *NOT* to park on the hydrant side of the street during construction. *Concord Twp. Fire Dept.*
9. Streets and fire hydrants must be installed and operational prior to start of construction of any structures. *Concord Twp. Fire Dept.*
10. No objection to name change of street. *Utilities-Sanitary Engr.*

Mr. Radachy said there are two reasons for this change. One, this layout pulls them further away from the wetlands which will make it easier to get permits from ODNR. The second reason was the Concord Fire Department was extremely concerned about Meredith Lane being divided by Crossroads. Emergency vehicles could wind up on the wrong side of Crossroads and lose about five minutes by having to turn around and go to the other side. The Developer agreed to change the street name to Lilly Lane.

Mr. Radachy said most of the stipulations and comments were the same as was seen on the original Final Plat. The original Plat does not show a temporary drainage easement for the storm sewer from this Subdivision back that the Township has to maintain. A detention pond easement does not show that the HOA will have to maintain it. These need to be added to the Plat. The Developer is now providing temporary cul-de-sacs at the end of the two stub streets. The Developer has extended Crossroads Drive an additional 75 feet from what was shown on the original Plat because Concord Township wanted Sublot 3 to have a full, dedicated access. When they did this, it became a stub street. Per the Regulations, there would need to be a temporary cul-de-sac. A variance request on this temporary cul-de-sac will be discussed next.

The Developer needs to address one subplot shown on the Plat as having a 30-foot setback. The Restrictive Covenants for Concord Ridge require a 40-foot setback. This issue would be more easily addressed now than later.

The renaming of Meredith Lane to Lilly Lane in Phase II was approved by the Trustees with the stipulation that the road alignment was not part of the original approval. This will be done when the Phase is developed.

Ms. Pesec questioned if the people owned their mineral rights and said it would be nice if this information could be placed on the Plat.

Mr. Zondag said this information was written in the owner's deed and Mr. Radachy said it was also on their title insurance.

Staff recommended approval of the Concord Ridge, Phase 2 resubmitted Final Plat with the stated stipulations and comments.

Mr. Adams moved to approve the Concord Ridge, Phase 2 Final Plat as resubmitted with nine stipulations and 10 comments. Mr. Welch seconded the motion.

All voted "Aye".

Concord Township - Concord Ridge, Phase 2, Variance to Article IV, Section 3, Sub. B8

Mr. Radachy stated stipulation three was being addressed by the Developer in requesting a variance on the stub street at the end of Crossroads Drive. Sublot three is 124 feet wide. The original Plat called for about 63 feet to be platted as the dedicated right-of-way. By extending it almost 75 feet longer than anticipated, a stub street was created. The Developer asked for it to be varied and not be required to be a temporary cul-de-sac. It only serves one lot. As previously stated, the reason they went fully across was because the Township Zoning Department requested them to extend the road across so they would have a full location for a driveway. This was not stipulated on the original Plat. That stipulation was that the driveway had to be on a dedicated right-of-way. When they appealed the Township, the Developer went against the County Subdivision Regulations.

Mr. Schaedlich asked if there had been any discussion as to when the next phase was going to be built.

Mr. Radachy said he had not had any discussions with the Developer. He stated the Developer is limited to the number of zoning permits he can get per Fire Code until the road goes all the way through Meredith. The next phase will connect Meredith to the rest of the Subdivision. The sanitary sewer line for Phase 2 of Concord Ridge is coming from an easement in Phase Two of the Summerwood Subdivision and has been already built. The next phase would require a new sanitary sewer line. He did not believe the next phase would be built for another year or so depending on when they can get more permits and how sales went on this Subdivision.

Staff recommended approving the variance because it only services one lot. A 124-foot hammerhead cul-de-sac is proposed. If this was not allowed, the builder would have to either build a cul-de-sac with 120 feet of impervious surface or go back to the original layout and place Jersey Walls at the end of the road. There could be 75 feet of concrete installed in 2014 and the rest could be installed in 2016. There would be two years for this little section that would need maintenance and they would be forced to put a maintenance bond on the

section of concrete that was approved four or five years prior to actually getting the rest of it done.

Ms. Pesec asked if there would be some sort of barrier at the end if it stayed.

Mr. Radachy said they would install red diamond signs. We could have them put Jersey Walls at the end but usually there is just three or four red diamonds at the end of the road to signify the road has ended. There is a total of 124 feet of road.

Mr. Welch moved to approve the variance to Article IV, Section 3, Subsection B8 to allow the Developer to not do a temporary cul-de-sac at the end of Crossroads Drive and Mr. Martin seconded the motion.

All voted "Aye".

Subdivision Activity Report

Mr. Radachy reported the following:

- A Construction Surety was accepted on Mountainside Farms, Phase V. They were unable to finish their improvements before the asphalt plants shut down for the season. They are looking to file their Plat sometime this winter. The Office is waiting for the Utilities Department on the sanitary sewer line so they could go into maintenance. It is an 11-lot Subdivision on Karaboo Lane off Morley Road.
- Mountainside Farms, Phase IV A, Sublot 105 is recorded. This is one of the first of the eight sublots that were approved last month.
- Summerwood, Phase 4 I, Sublot 116 is one of 17 sublots approved last November and has been finalized and recorded. There are 11 more sublots to go.

LAND USE AND ZONING REVIEW

There were no land use and zoning reviews.

REPORTS OF SPECIAL COMMITTEES:

The Coastal Plan Committee will meet on November 19, 2014.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

There was no old business.

NEW BUSINESS

The Chair stated the next two Planning Commission meeting dates will be on November 25, 2014 and December 16, 2014.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Mr. Welch moved to adjourn the October 28, 2014 Planning Commission meeting and Ms. Hausch seconded the motion.

The meeting was adjourned at 6:27 p. m.